

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION

DWIGHT RUSSELL, et al. )  
Plaintiffs, )  
v. )  
HARRIS COUNTY, TEXAS, et al. )  
Defendants. )  
CIVIL ACTION NO. H-19-226

**MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF**

Alexandra Mealer, a concerned Harris County resident and taxpayer in Harris County, respectfully moves for leave to file an amicus curiae brief supporting dismissal of Harris County from this action and the dissolution of the consent decree entered in *O'Donell v Harris County*, Tex.<sup>1</sup> in light of the recent decision *Daves v. Dallas County, Tex.* 2022 WL 72201 (5<sup>th</sup> Cir. 2022). The amicus curiae brief is attached as Exhibit 1.

Although this Court does not have specific rules governing briefs of amicus curiae, Federal Rule of Appellate Procedure 29(b) provides an appropriate analogy. Under Rule 29(b), a movant must (1) explain its interest, (2) the reason why an amicus brief is desirable, and (3) why the matters asserted are relevant to the case.

This amicus curiae brief is desirable because of the recent decision in *Daves v. Dallas County, et al.*, which effectively overturned *O'Donnell v. Harris County, et al.*, 892 F.3d 147 (“O'Donnell I”). The *Daves* opinion calls into question the continuing authority under the Consent Decree entered into by the *O'Donnell* Parties. Pursuant to *Daves* and under the Consent Decree

<sup>1</sup> Case No. 4:16-cv-01414 (S.D. Tx. 2016).

in *O'Donnell*, Harris County is not a proper party here. Therefore, Alexandra Mealer, submits this *amicus* brief to aid the Court in its consideration of the pending status conference on January 31, 2022 (ECF 549).

PRAYER

The Court should grant this motion for Alex Mealer to file her *amicus curiae* brief.

Dated: January 25, 2022

SEILER MITBY, PLLC

/s/Steven J. Mitby  
Steven J. Mitby  
State Bar No. 24037123  
Federal Bar No. 33591  
2700 Research Forest Drive, Suite 100  
The Woodlands, Texas 77381  
Telephone: (281) 419-7770  
Facsimile: (281) 419-7791  
Email: smitby@seilermitby.com

Counsel for *Amicus Curiae* Alexandra Mealer

OF COUNSEL FOR *AMICUS CURIAE*:

Michael K. Barnhart  
Texas Bar No. 24040472  
Federal Bar No. 606340  
Email: mbarnhart@seilermitby.com  
Kelly D. Clark  
Texas Bar No. 24094781  
Federal Bar No. 3456473  
Email: kclark@seilermitby.com  
Debbie S. Pacholder  
Texas Bar No. 00784969  
Email: dpacholder@seilermitby.com  
2700 Research Forest Drive, Suite 100  
The Woodlands, Texas 77381  
Telephone: (281) 419-7770  
Facsimile: (281) 419-7791

**CERTIFICATE OF SERVICE**

I hereby certify that on January 25, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which sent notice of such filing to all parties.

*/s/Steven J. Mitby*  
Steven J. Mitby